

Staff Summary Report

Council Meeting Date: 12/06/07

Agenda Item Number: 76

SUBJECT: Request approval of this resolution authorizing the execution of documents necessary to terminate Intergovernmental Agreement C95-110 for special event parking located at the north side of Rio Salado Parkway west of Rural Road.

DOCUMENT NAME: 20071206PWCH08 RIO SALADO MASTER PLAN (0112-07-03)
RESOLUTION NO. 2007.83

SUPPORTING DOCS: Yes

COMMENTS: This agreement addresses parking for special events on property owned by Arizona State University located immediately west of Rural Road on Rio Salado Parkway. The performance requirements of the Agreement to be satisfied by the City of Tempe and the Arizona Board of Regents have been satisfied and the continuation of said Agreement is no longer appropriate to either party. The Agreement provides for termination by mutual consent. The site is being developed.

PREPARED BY: LARRY SHOBE, ENGINEERING SERVICES ADMINISTRATOR (x8417)

REVIEWED BY: ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

LEGAL REVIEW AS TO FORM: CYNTHIA MCCOY, ASSISTANT CITY ATTORNEY (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Resolution No. 2007.83 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

RESOLUTION NO. 2007.83

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE TERMINATION OF AN EXISTING INTERGOVERNMENTAL AGREEMENT AND AUTHORIZING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EVIDENCE THE TERMINATION..

WHEREAS, it has been determined that Intergovernmental Agreement C95-110 between the City of Tempe and The Arizona Board of Regents for and on behalf of Arizona State University, recorded as Instrument No. 95-0552721 in the official records of Maricopa County, Arizona on September 12, 1995 (the "Agreement") is no longer required,

WHEREAS, the City of Tempe wishes to terminate said Agreement, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS

SECTION I. That the City of Tempe does hereby terminate the Agreement in accordance with the provisions for termination with mutual consent of the parties contained in paragraph III.16. of the Agreement.

SECTION II. That the Mayor is hereby authorized to execute all documents necessary to carry out the purposes of this Resolution, including without limitation a Termination of Intergovernmental Agreement in substantially the form attached hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA this _____ day of December, 2007.

Mayor

Resolution No. 2007.83
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ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

When recorded, return to:

Attn: _____

TERMINATION OF INTERGOVERNMENTAL AGREEMENT

THIS TERMINATION OF INTERGOVERNMENTAL AGREEMENT (this "Termination") is made as of this ____ day of _____, 2007 by and between THE CITY OF TEMPE, an Arizona municipal corporation (the "City") and ARIZONA BOARD OF REGENTS, for and on behalf of Arizona State University (collectively "ASU").

RECITALS

A. The City and ASU entered into that certain Intergovernmental Agreement C95-110, recorded as Instrument No. 95-0552721 in the official records of Maricopa County, Arizona on September 12, 1995 (the "Agreement") with respect to that certain real property located in Maricopa County, Arizona, as more particularly described in the Agreement.

B. The parties desire to terminate the Agreement, including all easements set forth therein, and give actual and constructive written notice to all persons that the Agreement has terminated.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The parties hereby agree that the Agreement, including all easements set forth therein, is hereby terminated and shall be of no further force and effect upon recordation of this Termination in the official records of Maricopa County, Arizona.

2. This Termination may be signed in any number of counterparts, all of which constitute one original.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City and ASU have executed this Termination on the date first set forth above, which Termination shall be effective upon recordation in the official records of Maricopa County, Arizona.

CITY OF TEMPE, an Arizona municipal corporation

By: _____

Name: _____

Its: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ARIZONA BOARD OF REGENTS for and on behalf of Arizona State University

By: _____

Name: _____

Its: _____

STATE OF ARIZONA)
) ss:
County of Maricopa)

On this _____ day of December, 2007, before me, the undersigned officer,
personally appeared _____, who acknowledged himself to be the
_____ of the CITY OF TEMPE, an Arizona municipal corporation, and
that he executed the foregoing instrument on behalf of the corporation.

Notary Public

My Commission Expires:

STATE OF ARIZONA)
) ss:
County of Maricopa)

On this _____ day of December, 2007, before me, the undersigned officer,
personally appeared _____, who acknowledged himself to be the
_____ of ARIZONA BOARD OF REGENTS, and that he
executed the foregoing instrument on behalf of Arizona State University.

Notary Public

My Commission Expires:
